

Minutes of the Board of Adjustment meeting held on Monday, June 10, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Tom Halliday, Vice-Chair
Roger Ishino
Preston Olsen
Rosi Haidenthaller
Chad Wilkinson, Community Development Manager
G.L. Critchfield, Deputy City Attorney
Citizens

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Ms. Haidenthaller made a motion to approve the minutes from May 23, 2013 as submitted. Mr. Ishino seconded the motion.

A voice vote was made. The motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1470 – MICHAEL FRALICK – 25 Rose Circle – Project #13-87

Michael Fralick was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a rear yard accessory building setback variance at the property addressed 25 Rose Circle. Murray City Code Section 17.100.090. E. Accessory rear yard buildings, located in the R-1-8 zone, shall meet a 6 ft. minimum rear yard setback behind a residential dwelling. The applicant is requesting a rear yard setback variance relating to the six foot minimum accessory building setback from the rear of the residence. The variance would allow for construction of a new detached garage at the south west corner of the property. Salt Lake County records indicate the existing house was built in 1948. There is an existing driveway at the south side of the property that provides parking and access to a storage shed. The zoning ordinance requires accessory rear yard buildings to meet a 6 foot minimum setback behind a residential dwelling. There is a Murray City Power line going across the west side of the property about 11 feet from the property boundary. The Murray Power Department requires a 10 foot minimum clearance from the power line to the garage structure. Tom Harvey, with Murray Power Department, has submitted a statement regarding minimum clearance setback from the power line to the garage structure. The existing house was built in 1948 and does not have an attached garage. With the position of the existing house on the lot, there is not adequate width to construct a driveway for access to a detached garage on the north side of the lot. The lot tapers from front to back and does create hardship for the applicant to construct a new detached garage in the rear yard area. The applicant is working with the Murray Power Department in order to comply with the required 10 foot minimum clearance from the power line. There are special

circumstances attached to this property that do not generally apply to other lots in this development regarding the existing position of the house and driveway with the shape of the lot which tapers from front to back of the lot. Other properties with a rectangular shape that do not have a power line across the back yard do not have the same issues with the position of a garage. The position of the existing house on the lot and the unique shape of the lot does create some hardship for the applicant to construct a new detached garage. The applicant is also working with the Murray Power Department with regard to power line issues and required clearance to the garage structure. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, Community and Economic Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval subject to conditions.

Mr. Ishino asked about the existing accessory structure in the rear yard. Mr. Wilkinson responded that the aerial map shows an accessory structure which may have been demolished.

Mike Fralick, 25 Rose Circle, stated he has reviewed the staff recommendations and had no questions.

Ms. Haidenthaller asked if Mr. Fralick is planning any additions to the home. Mr. Fralick responded that he is not adding onto the existing home at this time. He stated he is aware that there is a 5 foot setback on the south side for fire code and 6 foot setback from the house for fire code.

Mr. Halliday asked if noticed was sent to the surrounding neighbors for this application. Mr. Wilkinson responded in the affirmative.

Mr. Fralick stated he has a petition signed by the surrounding neighbors in favor of this proposal.

No comments were made by the public.

Mr. Halliday stated that, in his opinion, this variance should be granted because of the power line easement and not necessarily because of the shape of the lot, although the odd shape of the lot was part of the written verbiage; the hardship in his opinion, is based strictly on the power line easement.

Mr. Ishino made a motion to grant the accessory rear yard separation variance based on staff's Finding of Fact and that this approval is subject to the following conditions:

1. The applicant shall obtain a Murray City building permit for the detached garage.
2. Comply with Murray Power Department requirements including building setback clearance from the power line.
3. A new 12 ft. wide minimum paved driveway shall be installed with final inspection approval for the detached garage.

Seconded by Mr. Halliday.

Call vote recorded by Chad Wilkinson.

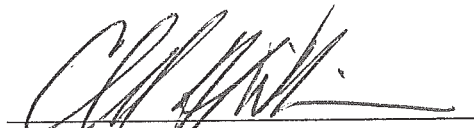
A _____ Roger Ishino
A _____ Tom Halliday
A _____ Rosi Haidenthaller
A _____ Preston Olsen
A _____ Travis Nay

Motion passed, 5-0.

Ms. Haidenthaller made a motion to approve the Findings of Fact as written by staff.
Seconded by Mr. Olsen.

A voice vote was made. Motion passed, 5-0.

Meeting adjourned.

A handwritten signature in black ink, appearing to read 'Chad Wilkinson', is written over a horizontal line.

Chad Wilkinson, Manager
Community & Economic Development